

The 7th December, 1976

No. 10322-4Lab-76/33585.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/S New Capital Cinema, Ambala Cantt.

➤ BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 32 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S NEW CAPITAL CINEMA, AMBALA CANTT.

#### AWARD

By order No. ID/AMb/445-A-75/3042, dated 23rd January, 1976, the Governor of Haryana, referred the following dispute between the management of M/s New Capital Cinema, Ambala Cantt and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workmen should be supplied uniforms? If so, with what details?

Whereas the workmen put in their appearance through their authorised representative Shri Jagdish Sehay, General Secretary, Haryana Cinema Employees Union, Ambala City in response to the usual notices of reference sent to them, the management absented themselves on 21st July, 1976 despite personal service of such notice with the result that *ex parte* proceedings were taken up against them on that date. Shri Jagdish Sehay in *ex parte* evidence made his own statement in corroboration of the demands raised by him on the management leading to this reference while giving out that Ambala was an important town of the State of Haryana and the management was making huge income every month and had a flourishing business. He added that the cinema in question attracted persons of high status and the management was under the circumstances liable to provide one warm uniform immediately and one such uniform after every three years and two summer uniforms every year. He continued to say that some of the workmen who had to work on machines, had to get their wearing clothes prepared sooner than usual on account of wear and tear caused to their uniforms on account of their duties.

I see no reason to disbelieve the evidence led by the workmen in support of the demands leading to the reference particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the same despite personal service of notice of demands. I thus relying on the evidence led by the workmen hold that they are entitled to the grant of a winter uniform immediately and one after every three years and two summer uniforms every year. I thus answer the reference while returning the award in these terms.

Dated the 23rd September, 1976

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1082, dated the 28th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 20th September, 1976.

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9738-4Lab-76/33587.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIX of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/S Harbans Lal Prem Kumar Private Limited, 18/1, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 24 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S HARBANS LAL PREM KUMAR PRIVATE  
LIMITED, 181, MATHURA ROAD, FARIDABAD  
AWARD

By order No. ID FD 74 2786, dated 20th January, 1975, the Governor of Haryana, referred the following disputes between the management of M/s Harbans Lal Prem Kumar Private Limited, 181, Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication in exercise of the powers conferred by Clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:

- (1) Whether the workmen are entitled to the grant of dearness allowance? If so, with what details?
- (2) Whether the workmen should be supplied uniforms? If so, with what details?
- (3) Whether the grades and scales of pay should be revised? If so, with what details?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them on 30th April, 1975 and 28th May, 1975, when the case was adjourned to 11th June, 1975 for filing of the written statement by the management of the statement of claim of the workmen filed on 30th April, 1975. Neither party being present on 11th June, 1975. Notices were ordered to be issued to them for their appearance on 22nd July, 1975 when I was on leave and the case was adjourned to 24th September, 1975.

The management being duly served with the notice of reference for their appearance before me on 24th September, 1975, a letter was received from them praying for an adjournment on the ground of the death of the near relative of their supervisor. The ground stated in the letter for grant of an adjournment being not considered sufficient for absence of the Factory Manager or any other authorised representative, of the management, *ex parte* proceedings were taken against them,—vide my order dated 24th September, 1975 with a direction to the workmen to adduce their *ex parte* evidence on 6th October, 1975.

The workmen examined Shri Shiv Parshad, Moti Lal, Balraj, Mohinder Kumar and Shri Ram Murti Sharma in *ex parte* evidence in support of the demands leading to the reference. Shri Shiv Parshad workman deposed that he did not receive any dearness allowance and wages of Rs 183 P.M. paid to him were highly insufficient for his making both ends meet and that he had to take loans from time to time and it had become difficult for him to pass on his life peacefully in these days of dearness. He added that there was no fair price shop in the factory at the instance of the management who were making huge profits and running lucrative business. He continued to say that he was a machine operator and as such the clothes put on by him were often torn during his duties hours and that he was entitled to the grant of uniforms and that such uniforms were being supplied by the management of other like concern to their workmen. He further gave out that he was not being paid the minimum wages prescribed by the Haryana Government despite the huge profit made by the management.

Each one of Saryshri Moti Lal, Balraj and Mohinder Kumar made statements only in respect of the wages received by him and Shri Ram Murti Sharma, Secretary, Faridabad Engineering Workers Union Regd. deposed in respect of the failure of the management to concede to the demands raised on them and the entitlement of the workmen to the grant of uniforms and enhanced wages and fixation of grades and scales.

It would thus appear that Shri Shiv Parshad and Ram Murti alone supported the demands vide oral statements made by them without bringing on record any documentary evidence in respect of the entitlement of the workmen to the uniforms or grant of dearness allowance or revision of grades and scales. The workmen did not bring on record the data showing grades and scales of workmen in other concern and the dearness allowance being paid to them there. In fact no workman of a factory other than the one being run by the management concerned was examined. The workmen even failed to bring on record the notification of the Haryana Government fixing the minimum wages. The oral statement of Shri Shiv Parshad and Ram Murti made in the manner stated above without any corroborative evidence either documentary or oral are in my opinion highly insufficient for grant of any relief to the workmen in respect of the disputes stated above. I am under the circumstances firmly of the view that the workmen have not been able to substantiate the demands raised by them on the management even though the proceedings against the latter are *ex parte*.

I in the result hold that the workmen are not entitled to any relief. I accordingly answer the reference while returning the award in these terms.

Dated the 14th September, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1029, dated the 14th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour, and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 14th September, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9484-4Lab-76/33593.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s Avon Automotive Components Private Limited, Plot No. 59, Sector-6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 22 of 1974

*between*

SHRI JOGINDER PAL WORKMAN AND THE MANAGEMENT OF M/S AVON AUTOMOTIVE  
COMPONENTS PRIVATE LIMITED, PLOT NO. 59, SECTOR-6,  
FARIDABAD

AWARD

By order No. ID/FD/73/5636, dated 5th March, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Avon Automotive Components Private Ltd., Plot No. 59, Sector-6, Faridabad and its workman Shri Joginder Pal to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Joginder Pal was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* claim statement filed by him in conformity with the notice of demands served by him on the management that his services as a Grinderman on wages of Rs 315 per mensem had been terminated by the management illegally without holding a proper enquiry and that the enquiry held against him on charges of misconduct of his having threatened a co-workman on 12th August, 1973 and 29th August, 1973 within the premises of the factory being in violation of the principles of natural justice could not be acted upon for dismissing him from service.

The management pleaded,—*vide* written statement filed by them that the enquiry held against the workman was fair and proper and according to the principles of natural justice. They stated that the workman was given full opportunity to cross examine the witness examined by them before the enquiry officer and adduce his defence evidence. They raised a preliminary objection that the reference was bad in law for want of service on them of a notice of demands directly by the workman and its rejection by them before the matter was taken to the Conciliation Officer.

The workman controverted the pleas of the management and reiterated the allegations made by him in the claim statement,—*vide* rejoinder filed by him with the result that the following issues were framed on pleas of the parties,—*vide* order, dated 2nd September, 1974 by Shri O. P. Sharma, my learned predecessor:—

- (1) Whether the demand, the subject-matter of the present reference, was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ?
- (2) Whether the termination of services of Shri Joginder Pal was justified and in order ? If not, to what relief is he entitled ?

I have heard the authorised representatives for the parties and seen the record. I decide the issues as under :—

Issue No. 1.—The workman appearing as his own witness deposed that he served a notice of demands, copy Ex. W-2 directly on the management on 18th September, 1973,—*vide* registered post and that his demand

of re-instatement being not satisfied by the latter, he delivered 5 copies of the notice of demands to the Conciliation Officer on 26th September, 1973 under receipt obtained by him from the office of the latter on Ex. W-2. He brought on record the postal receipt Ex. W-3 in respect of the registered letter sent by him to the management with a notice of demands. The mere denial of Shri S. K. Budiraja, Managing Director that no demand notice was received by the management directly is not sufficient to rebut the aforesaid documentary evidence and I as such relying on the statement of the workman decide this issue in his favour. Even otherwise I for the reasons stated by me in detail in my order, dated 10th October, 1975 made in reference titled Shri S. C. Sethi *versus* M/s Kirloskar Oil Engine, Mathura Road, Faridabad, held on the legal aspect of the matter that it is no longer necessary for the workman to serve a notice of demands on the management directly and for the latter to reject it before the matter is taken to the Conciliation Officer, in order to constitute an industrial dispute.

**Issue No. 2.**— The management relied on an enquiry held by Shri S. L. Gupta, their authorised representative appearing on their behalf before me against the workman, into the charge sheet, dated 29th August, 1973. The workman was alleged to have threatened on or about 12th August, 1973 and 29th August, 1973, one Shri N. C. Matty his co-workman that he shall see him outside the factory and take revenge upon him if he agreed to work on the cylindrical grinding machine causing him loss of overtime duty. No report in writing was admittedly made to the management by Shri N. C. Mitti in respect of the allegations made against the workman. The latter submitted his explanation, dated 1st September, 1973 denying the allegations. The management sent a letter, dated 4th September, 1973 to their workman intimating him the appointment of Shri S. L. Gupta, the Labour Law Adviser as an enquiry officer for holding the enquiry into the charge sheet, dated 29th August, 1973 framed against him. No letter was admittedly sent to Shri S. L. Gupta and no separate order was made by the management for appointing him as an Enquiry Officer. Shri S. L. Gupta held the enquiry on 12th September, 1973 and completed it the same day.

Whereas the management contended that the enquiry was held in presence of the workman and the latter refused to sign the proceedings, the latter stressed that the enquiry was held in his absence and he was not given any opportunity either to cross-examine the witnesses for the management or to adduce his own evidence. Shri S. L. Gupta alone supported the case of the management on this aspect of the matter and even Shri S. K. Budiraja appearing as a witness for the management did not corroborate his testimony in this connection. The workman stoutly controverted the statement of Shri S. L. Gupta while giving out that he made an application copy Ex. W-2 before the management and that he was made to sit by the Enquiry Officer outside the room after his signatures had been obtained on 12th September, 1973 by the Enquiry Officer on a paper and that he did not receive any other information relating to the proceedings of the enquiry on that date or thereafter. After having considered the whole matter I do not consider it safe to rely on the solitary and un-corroborated statement of Shri S. L. Gupta that the enquiry was held in presence of the workman particularly when Shri S. K. Budiraja who admittedly reproduced the management before him did not come forth to support him on this aspect of the matter. I thus hold that the enquiry is not proved to have been held in presence of the workman with full a opportunity to him to take part therein.

Even assuming that the workman was present on 12th September, 1973 before the Enquiry Officer and fully took part in the proceedings of the enquiry, the admitted facts that no complaint in writing was made by Shri N. C. Matty either on 12th August, 1973 or on 29th August, 1973 to the management in respect of the allegations now made against the workman and that no action was taken against the workman on a verbal complaint made by Shri N. C. Matty to the management on 12th August, 1973 and that Shri S. L. Gupta happened to be a Labour Law Adviser of the management as also an Enquiry Officer and their authorised representative before me during trial of the reference, render his findings not sufficient to be acted upon by me for holding the charges proved against the workman.

It is undisputed that the Industrial Tribunal is entitled under the provisions of section 11-A of the Industrial Disputes Act as interpreted by the Hon'ble the Supreme Court in 1973-1-LLJ-278 between the workman of M/s Fire Stone Tyre and Rubber Co. of India Private Ltd. and the management to appraise the evidence led before the Enquiry Officer and to arrive at findings different from those of the Enquiry Officer if the proper case is made out. What was once largely in the realm of the satisfaction of the employer, has ceased to be so with the introduction of section 11-A after 15th December, 1971 and now it is the satisfaction of the Tribunal that finally decide the matter.

Taking up the evidence adduced by the management before the Enquiry Officer, the management examined Shri N. C. Matty, Shri Kanyia Lal and Shri S. K. Budiraja, their Managing Director, before the Enquiry Officer. Shri Kanyia Lal corroborated the statement of Shri N. C. Matty only in respect of the alleged threat given by the latter by the workman on 29th August, 1973. There is thus no corroboration of the statement of Shri N. C. Matty that the workman threatened him on or about 12th June, 1973 to beat him, if he agreed to work on the cylindrical grinding machines. In absence of any action on the part of the management on receipt of an oral complaint from Shri N. C. Matty on or about 12th June, 1973 and having regard to the failure of Shri N. C. Matty to explain the reasons for his omission to make a complaint in writing, I do not consider it safe to rely on the solitary oral statement of the latter for establishing the first charge.

Coming to the evidence relating to the incident of 29th August, 1973 whereas it was found stated in the charge sheet that the workman was warned by the management on 29th August, 1973 not threatened Shri N. C. Matty, Shri S. K. Budiraja deposed quite inconsistently with the aforesaid averment that the workman was

warned on or about 12th August, 1972 on receipt of the first complaint not to threatened Shri N. C. Matty and that he did not pay any heed to his advice. Whereas Shri N. C. Matty deposed that the management made an arrangement for protecting him from the assault of the workman while providing him some escort from the factory premises uptill his residence, since 12th June, 1973, neither Shri Kanyia Lal nor Shri S. K. Budiraja made a statement in this connection. Whereas Shri N. C. Matty gave out that the workman threatened him only to beat him Shri Kanyia Lal made a contradictory statement that the workman on 29th July, 1973 in his presence threatened Shri N. C. Matty to do away with his life. All these contradiction well justify the rejection of the oral evidence of all the three witnesses *in toto*. I am thus satisfied that the evidence of Shri N. C. Matty, Kanyia Lal and Shri S. K. Budiraja could not justifiably be relied upon by the enquiry officer for holding the charges proved. Considered from any angle the evidence of the Enquiry Officer are liable to be quashed and are hereby set aside. I accordingly set aside these findings.

Notices be issued to the parties for their appearance before me on 8th November, 1976 at Faridabad for further proceedings.

Dated the 8th September, 1976

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1016, dated the 8th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 8th September, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 13th December, 1976

No. 10393-4Lab-76/34119.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Delhi Pinjra Pole Society (Regd.) Dry Stock Sheds and Agriculture Farm, Ghansa, Ballabgarh, district Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 37 of 1973

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S DELHI PINJRA POLE SOCIETY  
(REGD.), DRY STOCK SHEDS AND AGRICULTURE FARM, GHANSA,  
BALLABGARH, DISTRICT GURGAON

AWARD

By order No. ID/FD/72/12452, dated 2nd April, 1973, the Governor of Haryana, referred the following disputes between the management of M/s Delhi Pinjra Pole Society (Regd.), Dry Stock Sheds and Agriculture Farm, Ghansa, Ballabgarh, district Gurgaon and its workmen, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the management should allow the weekly rest to their workers?
- (2) Whether the management should fix the working hours of the workers? If so, with what details?
- (3) Whether the management should supply uniforms to their workers? If so, with what details?
- (4) Whether the management should provide medical aid to the workers? If so, with what details?
- (5) & (6) Whether the workers are entitled to privilege, casual, sick and compensatory leaves? If so, with what details?

- (7) Whether the management should pay monthly wages to their workmen by 7th of each month?
- (8) Whether the management should maintain the attendance register for their workmen? If so, with what details?
- (9) Whether the management should declare holidays with pay for Republic Day, Independence Day and Gandhi Jyanti in their establishment?
- (10) Whether the management should allow the workers to inspect the muster roll daily to see the correctness of their being marked present? If so, in what manner?
- (11) Whether the management should increase the wages of their workmen? If so, with what details?

Notice were issued to the parties. They filed their pleadings and the following issues were framed by my learned predecessor Shri O. P. Sharma, the then Presiding Officer, Industrial Tribunal, Haryana, Faridabad on 27th September, 1973 :—

- (1) Whether Delhi Pinjra Pole Society is an Industry? (on workmen).
- (2) Whether the All Trade Workers Union Delhi through its President Shri Avtar Singh was not competent to raise the present dispute? If so, with what effect? (on management) (Onus objected to).
- (3) Whether the dispute has been properly espoused? If not, with what effect? (on workmen)
- (4) Whether the management should allow the weekly rest to their workers?
- (5) Whether the management should fix the working hours of the workers? If so, with what details?
- (6) Whether the management should supply uniform to their workers? If so, with what details?
- (7) Whether the management should provide medical aid to the workers? If so, with what details?
- (8) Whether the workers are entitled to privilege, casual, sick and compensatory leaves? If so, with what details?
- (9) Whether the management should pay monthly wages to their workmen by 7th of each month?
- (10) Whether the management should maintain the attendance register for their workmen? If so, with what details?
- (11) Whether the management should declare holidays with pay for Republic Day, Independence Day and Gandhi Jyanti in their establishment?
- (12) Whether the management should allow the workers to inspect the muster roll daily to see the correctness of their being marked present? If so, in what manner?
- (13) Whether the management should increase the wages of their workmen? If so, with what details?

The workmen closed their evidence on 8th June, 1974. While the case was at the stage of recording the evidence of the management, the management filed the written settlement alleged to have been signed by all the workmen in their service. Shri R. C. Sharma authorised representative of some of the workmen who were not in the service of the management on 20th April, 1976 objected to the recording of the settlement.

On this matter my learned predecessor Shri Mohan Lal Jain, framed the additional issue on 20th April, 1976 which is cast hereunder :—

Whether Shri R. C. Sharma is legally competent to object to the settlement relied on by the management under Authority appointing him as authorised representative by some of the workmen on record?

My learned predecessor Shri Mohan Lal Jain decided the additional issue against the workmen represented by Shri R. C. Sharma,—*vide* his order dated 29th July, 1976 and held that the workmen not

in the service of the management and Shri R. C. Sharma had no right to object to the recording of the settlement. My learned predecessor Shri Mohan Lal Jain,—*vide* his said order, dated 29th July, 1976 directed the management to appear on 20th August, 1976 for further proceedings with the reference. On 20th August, 1976 the management appeared and none appeared from the side of the workmen. The management was directed to prove the settlement on 30th September, 1976. On 30th September, 1976 the management respondent appeared and provided the settlement.

The management produced the settlement which is Exhibit M. 1 and examined two witnesses Sarvshri Nand Lal and R. N. Singh, Manager of the respondent. These two witnesses proved the settlement.

*Vide* the said settlement the workmen in the service of the management withdrew from the reference stating that they do not press further their claims through any Court/Tribunal and stated that no award may be given. The workmen whose thumb impressions and signatures appeared on the settlement Exhibit M. 1 withdraw from the reference considering service to the mother cows. The management assured the workmen facilities of accommodation, vegetable, milk and job to the family of the workmen, if available at a concessional rates. In the settlement the workmen stated that there was no dispute between the parties.

Considering the settlement Exhibit M. 1 and the statement of the witnesses for the management, I find that there is no dispute between the parties, I answer the reference and return the award accordingly.

Dated the 4th October, 1976.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1141, dated the 4th October, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated the 4th October, 1976.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 10321-4Lab-76/34073.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Star Textiles Plastic Division, 13/1, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 132 of 1974

*between*

SHRI CHANDER PAL, WORKMAN AND THE MANAGEMENT OF M/S STAR TEXTILES  
PLASTIC DIVISION, 13/1, MATHURA ROAD, FARIDABAD.

#### AWARD

By order No. ID/FD/74/29229, dated the 9th August, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Star Textiles Plastic Division, 13/1, Mathura Road, Faridabad and its workman Shri Chander Pal to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Chander Pal was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings, giving rise to the following issues framed,—*vide* order, dated 2nd June, 1975 :—

- (1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? (on workman)
- (2) Whether the termination of services of Shri Chander Pal was justified and in order ? If not, to what relief is he entitled ?

The parties arrived at a mutual amicable settlement during the pendency of the reference and made their statements in accordance therewith. Shri Chander Pal concerned workman received a sum of Rs 736,67 in cash from the management on 15th September, 1976 in full and final settlement of all his claim against the management and stated that he gave up all his claims including that of his reinstatement. Shri Narinder Kumar Sankholia accepted this statement as correct on behalf of the management.

It would thus appear that there is now no dispute between the parties requiring adjudication and the demand raised on the management by the workman has been fully satisfied. I hold accordingly and answer the reference while returning the award in these terms.

Dated the 23rd September, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1083, dated the 20th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 20th September, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 10548-4Lab-76/34075.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Societa Cofica Chemical Corporation, Modern Industrial Estate, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 111 of 1975

between

SHRI RAJINDER BHAGAT, WORKMAN AND THE MANAGEMENT OF M/S SOCIETA  
COFICA CHEMICAL CORPORATION, MODERN INDUSTRIAL  
ESTATE, BAHADURGARH.

AWARD

By order No. ID/RTK/359-A-75/74890, dated, the 29th December, 1975, the Governor of Haryana referred the following dispute between the management of M/s. Societa Cofica Chemical Corporation, M. I. E., Bahadurgarh and its workman Shri Rajinder Bhagat, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Rajinder Bhagat was justified and in order ?  
If not, to what relief is he entitled ?”

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings. The case was fixed for 3rd September, 1976 for framing of issues when the management absented themselves despite being directed to appear on that date,—*vide* my order, dated 17th August, 1976 with the result that *ex parte* proceedings were taken up against them.



Shri Rajinder Bhagat concerned workman appeared as his own witness in *ex parte* evidence and deposed that his services as a machine man on wages of Rs. 150 per mensem had been terminated by the management with effect from 15th September, 1975 without their serving him any charge-sheet and without their holding any enquiry.

I see no reason to disbelieve the statement of the workman concerned, particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand leading to this reference. I, thus, relying on his statement hold that the termination of his services by the management is unjustified and he is entitled to be reinstated with continuity of service and back wages.

I answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 29th September, 1976.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

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No. 2224, dated the 4th October, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 10546-4Lab-76/34099.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Kasturi Lal and Sons, Industrial Area, Yamuna Nagar.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 51 of 1975

between

SHRI RAM PHER, WORKMAN AND THE MANAGEMENT OF M/S. KASTURI LAL AND  
SONS, INDUSTRIAL AREA, YAMUNA NAGAR.

AWARD

By order No. ID/AMB/375-A-75/37095-99, dated the 27th June, 1975, the Governor of Haryana, referred the following dispute between the management of M/s. Kasturi Lal and Sons, Industrial Area, Yamuna Nagar and its workman Shri Ram Pher, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of services of Shri Ram Pher was justified and in order ? If not, to what relief is he entitled ?”

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* my order, dated 19th July, 1976.

1. Whether the workman was employed purely on temporary basis, if yes; to what effect ?
2. Whether the workman abandoned his job by absenting himself from duty from 31st July, 1974 onwards ?
3. Whether the workman received all his dues on 19th February, 1975 in full and final settlement of all his claims including that of his reinstatement ?

The case was fixed for recording the evidence of the management on 22nd September, 1976 when the workman failed to appear despite being directed to be present on that date,—*vide* my order dated 19th July, 1976 with the result that *ex parte* proceedings were taken up against him and the *ex parte* evidence of the management was recorded.

The management examined Shri Tilak Raj, their partner who deposed with reference to register of attendance of their employees brought by him that the workman absented himself from duty on 31st July, 1974 and continued to do so thereafter and that he on 19th February, 1975 passed on in their favour receipt Ex. M. 1 relating to a sum of Rs. 170/- paid to him in cash,—vide voucher Ex. M. 2 in full and final satisfaction of all his claims against the management. He added that the workman put his thumb impression on both these documents in his presence and left his job voluntarily.

I have no reason to disbelieve the statement of Shri Tilak Raj, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on the management leading to this reference and to rebut the pleas of the later. I, therefore, relying on the statement of Shri Tilak Raj, hold, that the workman abandoned his job voluntarily with effect from 31st July, 1974 and received all his dues from the management on 19th February, 1975,—vide receipt Ex. M. 1 and voucher Ex. M. 2 in full and final settlement of all his claims against them.

I, thus, decide both the issues in favour of the management and hold that the workman is not entitled to any relief. I, accordingly, answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 29th September, 1976.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2226, dated the 4th October, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 10365-4 Lab-76/34103. -In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Durable Steel Products, 16/5, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 79 of 1976

between

SHRI GOPAL DASS WORKMAN AND THE MANAGEMENT OF M/S DURABLE STEEL  
PRODUCTS, 16/5, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/956-A-76/16171, dated the 5th May, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. Durable Steel Products, 16/5, Mathura Road, Faridabad and its workman Shri Gopal Dass to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Gopal Dass was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference, notices were issued to both the parties for 28th July, 1976. On 28th July, 1976 the authorised representative of the workman appeared but no service was effected upon the management respondent, hence fresh notice was issued to the management respondent for 20th August, 1976. On 20th August, 1976 service on the management respondent was effected but none from the side of the management respondent appeared, hence the management respondent was ordered to be proceeded *ex parte*. Then the case was fixed for *ex parte* evidence of the workman for 29th September, 1976. On that day the workman also filed his claim statement.

Today on 29th September, 1974 the workman appeared with his authorised representative. The workman gave his statement on oath. He stated in his statement that he was employed in the year 1965 at Rs. 310/- P.M. as wages and the management terminated his services with effect from 9th January, 1976 without giving any charge sheet to him, nor giving him any show cause notice. The workman even thereafter continued going to the premises

of the management but he was not taken on duty. The workman sent his application to the management copy where of is Ex. W-1. The application was sent by registered post, the postal receipt and the acknowledgement due form are Ex. W-2 and W-3, respectively. Thereafter the workman give an application on 23rd January, 1976, to the management, copy whereof was sent to the Conciliation Officer. This is Ex. W-4. The postal receipt pertaining to this letter dated 23rd January, 1976, is Ex. W-5. The conciliation proceedings were started but the management even did not turn up before the Conciliation Officer. The conciliation officer sent his report to the Labour Commissioner, Haryana, Chandigarh, copy whereof is Ex. W-6 along with his proceedings. From the documents placed on the file by the workman and his statement on oath, I am satisfied and am of the opinion that the services of the workman were terminated illegally and unjustifiably and was not in order.

I answer the reference as follows. That the termination of services of the workman Shri Gopal Dass in the above said reference was illegal and unjustified and was not in order and the workman is entitled to reinstatement with continuity of service and full back wages. I return the award accordingly.

NATHU RAM SHARMA,

Dated 29th September, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1134, dated 30th September, 1976

Forwarded (four Copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial, Disputes Act, 1947.

NATHU RAM SHARMA,

Dated 30th September, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 10392-4Lab-76/34113.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Excelsior Plants Corporation Limited, Opp. M. Block, Sector 2, Plai Road, N.I.T., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD

Reference No. 80 of 1976

*Between*

SHRI PARKASH CHAND WORKMAN AND THE MANAGEMENT OF M/S EXCELSIOR  
PLANTS CORPORATION LIMITED, OPP. M. BLOCK, SECTOR 2, PLAÍ ROAD, N.I.T.,  
FARIDABAD

AWARD

By order No. ID/FD/13-C-76/15933, dated 4th May, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Excelsior Plants Corporation Limited, Opp. M. Block, Sector 2, Plai Road, N.I.T., Faridabad, and its workman Shri Parkash Chand to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Parkash Chand was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference usual notices were issued to the parties for 28th July, 1976. On 28th July, 1976, the authorised representative of the workman appeared but service of notice was not affected on the management respondent. Hence the case was adjourned to 20th August, 1976, for another notice to be served upon the respondent management. The case was taken up on 20th August, 1976. The authorised representative of the workman appeared. The notice had been served upon the management respondent on 5th August, 1976, but inspite of the service, the management respondent did not appear and *ex parte* proceedings against him were ordered and the case was fixed for *ex parte* evidence of the workman for 30th September, 1976. On 30th September, 1976, the authorised representative of the workman appeared with the workman. The workman examined

himself as witness on S.A. He stated that he was employed in the factory of the management in the year 1973 at Rs 217 per mensem as wages. The workman was president of the union of the workers of the management. The Personnel Officer of the management wanted to demote a Chowkidar named Shri Krishan Bahadur to the post of a peon and the said Chowkidar represented against his demotion to the workman in the capacity of the President of the union. The workman as President of the union took up the matter with the personnel officer and thereupon the workman was charge sheeted on 4th July, 1975. The personnel officer threatened the workman that he shall get the workman arrested. A case under section 107/151 of the C.P.C. was started. As a result whereof, the workman have to remain in judicial lock up for about 7 days but the learned Sub-Divisional Magistrate, Ballabgarh, discharged the workmen. The workman had proved a copy of the order of the S.D.M. Exhibit W-1. Other workers had also represented to the learned S.D.M., Ballabgarh that the case under section 107/151 of the C.R.P.C. was falsely planted on the workman.

The management started an enquiry. The workman participated therein. Whatever opportunity were requested for in the enquiry by the workman, the workman was not given any. The enquiry officer even did not show his authority of appointment as enquiry officer. The enquiry officer did neither read out charges to the workman, so much so that the workman was not given any copy of the enquiry proceedings, nor the enquiry officer allowed the workman to cross examine the witnesses of the management. In this enquiry ends of natural justice suffered. The service of the workman were then terminated on 2nd January, 1976. The workman sent his demand notice to the management that very day. The demand notice also stood unreplied to. The workman moved the Conciliation Officer. The management did not appear there. The Conciliation Officer proceeded as per law and recorded the statement of the workman which is Exhibit W-2. The workman had replied the charge-sheet issued to him from the management. The workman also produced a copy of his application in which he had prayed for allowing him proper opportunity of defence which is Exhibit W-3. The workman closed his case.

I am satisfied from the statement of the workman on S.A. and documents produced by him, that the services of the workman have been terminated unjustifiably and the termination was not in order. The enquiry held by the enquiry officer was also against the principles of natural justice. I am also of the opinion that the workman had also been harrassed by implicating him in proceedings under section 107/151 of the Cr.P.C.

I answer the reference that the termination of the services of the workman Shri Parkash Chand was unjustified and was not in order. He is entitled to reinstatement with continuity of service and with full back wages. I return the award accordingly.

NATHU RAM SHARMA,

Dated 4th October, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1140, dated 4th October, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated 4th October, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 8473-4Lab-76/34255.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Iron Master, Plot No. 35, Sector 6, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 99 of 1975

Between

SHRI INDER SINGH WORKMAN AND THE MANAGEMENT OF M/S IRON MASTER,  
PLOT NO. 35, SECTOR 6, FARIDABAD

## AWARD

By order No. ID/27181, dated 22nd July, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Iron Master, Plot No. 35, Sector 6, Faridabad, and its workman Shri Inder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Inder Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* my order dated 6th October, 1975.

- (1) Whether the workman raised a demand on the management directly and the later rejected at before initiation of the Conciliation proceedings ?
- (2) Whether the demand was raised by the workman on the proper management.
- (3) Whether the demand raised by the workman was espoused by the required number of workman ?
- (4) Whether the workman abandoned the job himself ?
- (5) If not, whether the termination of his services is justified ? If not, to what relief is the workman entitled ?

Issue No. 1 was decided by me in favour of the workman,—*vide* my order dated 10th October, 1975, with the findings that it was no longer necessary for the workman to raise a demand directly on the management and for the later to reject it before the matter was taken to the Conciliation Officer, in order to constitute an industrial dispute.

The case was fixed for recording evidence of the parties, for 9th August, 1976, when Shri H.R. Dua authorised representative for the management pleaded want of instructions from the later and proposed to absent himself on that ground. *Ex parte* proceedings were therefore taken up against the management on that date.

Shri Inder Singh concerned workman appeared as his own witness in support of the demand raised by him on the management that his services had been terminated by the later illegally without assigning any reason and without holding any enquiry. He added that he served a notice of demands copy Ex. W-1 on the management through registered post and that the management did not put in their appearance before the Conciliation Officer in response to a notice sent to them.

I see no reason to disbelieve the statement of Shri Inder Singh particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the demand raised on them. I therefore relying on the evidence of Shri Inder Singh concerned workman hold that the termination of his services by the management was unjustified and that he is entitled to be reinstated with continuity of service and full back wages. I answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated 11th August, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 968, dated 12th August, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 12th August, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 8770-4Lab-76/34257.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV 1947), the Governor of Haryana is pleased to publish the following award of the

Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Amar Nath Baskar & Sons, Mathura Road, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 172 of 1975

*Between*

SHRI PARBHATI WORKMAN AND THE MANAGEMENT OF M/S AMAR NATH  
BASKAR & SONS, MATHURA ROAD, FARIDABAD

### AWARD

By order No. ID/FD/75/69054, dated 26th November, 1975, the Governor of Haryana referred the following dispute between the management of M/s Amar Nath Baskar & Sons, Mathura Road, Faridabad, and its workman Shri Parbhati to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Parbhati was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* my order dated 12th February, 1976:—

- (1) Whether the workman abandoned his job with effect from 3rd July, 1975?
- (2) Whether the demand raised by the workman himself is improper?
- (3) Whether Shri Darshan Singh is legally competent to represent the workman?
- (4) Whether the termination of services of Shri Teja Singh was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording the evidence of the workman for 12th August, 1976, after the management had closed their case on 11th May, 1976, when (12th August, 1976) the parties arrived at a mutual amicable settlement and made their statements in accordance therewith.

The management agreed to pay to the workman retrenchment compensation having regard to the length of service put in by him, treating his exit from service as retrenchment, besides 15 days wages for notice of retrenchment, and bonus, earned wages and earned leave wages due to him in consideration of the letter withdrawing his demand including his right of reinstatement, leading to this reference and giving up his claim for gratuity. The workman accepted this statement as correct.

I thus in view of the statements made by the parties, direct that the management shall pay to the workman retrenchment compensation keeping in view his length of service treating his exit from service as retrenchment and 15 days wages for notice of retrenchment besides bonus, earned wages, earned leave wages etc. due to him and that on such payment the latter shall have no right to claim his reinstatement, back wages and gratuity and shall have no other claim against the former.

It would thus appear that there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 13th August, 1976.

No. 987, dated 16th August, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 16th August, 1976.